

APPEAL NO. 031461
FILED JULY 23, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 19, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and had disability from November 12 through November 25, 2002. The appellant (self-insured) appealed, arguing that the determinations of the hearing officer were so against the great weight of the evidence as to be clearly wrong or manifestly unjust. The self-insured additionally argues that the hearing officer failed to consider all of the evidence offered at the time of the CCH. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____, and that she had disability from November 12 through November 25, 2002. There was conflicting evidence on the injury and disability issues. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the claimant and he was acting within his province as the fact finder in so doing. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We do note carrier's justified complaint that the hearing officer failed to list LA as a witness for the carrier. From this failure, the carrier argues that the hearing officer did not consider this testimony. The hearing officer should have listed this witness in the decision and order. However, we do not infer from this failure to list this witness that the hearing officer refused to consider LA's testimony. His determination that the claimant was credible in her testimony supports his injury determination in this case. We conclude that this was a mere administrative oversight in writing the decision and order.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SA
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge